

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	<b>SUMMONS</b> <b>- CIVIL -</b>	Court Case Number <b>01-CV-2017-901875.00</b>
<b>IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA</b> <b>LINDSEY JEAN TAYLOR V. TESLA TRANSPORT INC./MIHAEL ROTARU ET AL</b>		
<b>NOTICE TO:</b> TESLA TRANSPORT INC./MIHAEL ROTARU, 6424 N. RIDGE BLVD. #3E, CHICAGO, IL 60626		
(Name and Address of Defendant)		
<p>THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), ROBERT LESTER PITTMAN</p>		
[Name(s) of Attorney(s)]		
<p>WHOSE ADDRESS(ES) IS/ARE: 7030 Fain Park Dr., Suite 8, MONTGOMERY, AL 36117</p>		
[Address(es) of Plaintiff(s) or Attorney(s)]		
<p>THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.</p>		
<b>TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:</b>		
<p><input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.</p>		
<p><input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of <u>LINDSEY JEAN TAYLOR</u> [Name(s)] pursuant to the Alabama Rules of the Civil Procedure.</p>		
5/8/2017 10:29:28 AM	/s/ ANNE-MARIE ADAMS	By:
(Date)	(Signature of Clerk)	(Name)
<p><input checked="" type="checkbox"/> Certified Mail is hereby requested. /s/ ROBERT LESTER PITTMAN</p>		
(Plaintiff's/Attorney's Signature)		
<b>RETURN ON SERVICE</b>		
<p><input type="checkbox"/> Return receipt of certified mail received in this office on _____ (Date)</p>		
<p><input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ in _____ County, _____</p>		
(Name of Person Served)		(Name of County)
<p>Alabama on _____ (Date)</p>		
(Address of Server)		
(Type of Process Server)		(Server's Signature)
(Server's Printed Name)		(Phone Number of Server)



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**

**LINDSEY J. TAYLOR,**

\*

**Plaintiff,**

\*

**v.**

\*

**CASE NO.: CV-2017-**

\*

**TESLA TRANSPORT, INC.;  
VITALE FILIPENCO,**

\*

\*

\*

**Defendants.**

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**STATEMENT OF THE PARTIES**

1. Plaintiff Lindsey J. Taylor is over the age of nineteen and a resident citizen of Jefferson County, Alabama.

2. Defendant Tesla Transport, Inc. ("Tesla"), is a foreign corporation with its principal place of business located at 6424 N. Ridge Blvd., Chicago, Illinois 60626.

3. Defendant Vitale Filipenco is over the age of nineteen and a resident citizen of Illinois and resides at 9616 Bianco Terrace Apt. C, Des Plaines, Illinois 60016.

**FACTS**

4. On January 18, 2017, Plaintiff was driving her vehicle, a 2012 Nissan Juke, west on East Lake Boulevard., in Jefferson County, approaching 42<sup>nd</sup> Street North.

5. At the same time, Defendant Filipenco was operating a 2010 Volvo tractor/trailer rig in the opposite direction on East Lake Boulevard.

6. At said time and place, Defendant Filipenco made an improper left turn in front of Plaintiff while attempting to turn onto East Lake Boulevard and failed to yield the right of way to Plaintiff, causing a collision between the two vehicles.

7. At all times material hereto, Defendant Filipenco was an agent and/or employee of Defendant Tesla, and was acting within the line and scope of his employment with said Defendant at the time of this incident.

8. As a result of Defendant Filipenco's actions, Plaintiff suffered the following injuries and damages:

- a. laceration above her right eye;
- b. fractured right great toe, which became infected with gangrene and amputated as a result;
- c. pain and suffering (past and future);
- d. mental anguish and emotional distress (past and future);
- e. permanent disfigurement/scarring;
- f. lost wages;
- g. incurred medical expenses;
- h. property damage;
- i. other damages.

**COUNT I**  
**(Negligence)**

- 9. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.
- 10. At the previously described time and place, Defendant Filipenco negligently

operated his tractor/trailer rig by making an improper left turn in front of Plaintiff, failing to yield the right-of-way and causing a collision between the two vehicles.

11. As a proximate consequence of Defendant Filipenco's negligence, Plaintiff was injured and damaged as set forth in paragraph 8 above.

**COUNT II**  
**(Negligent/Wanton Entrustment)**

12. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

13. Defendant Tesla negligently or wantonly entrusted its vehicle to Defendant Filipenco with actual or constructive knowledge that he was an incompetent driver.

14. As a proximate consequence of Defendant's negligent or wanton entrustment, Plaintiff was injured and damaged as set forth in paragraph 8 above.

**COUNT III**  
**(Negligent/Wanton Hiring, Retention, Supervision, Training and/or Maintenance)**

15. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

16. Defendant Tesla negligently or wantonly hired, retained, supervised, and trained Defendant Filipenco and/or negligently or wantonly maintained the vehicle he was driving on the date of this incident.

17. As a proximate consequence of Defendant's negligent or wanton hiring, retention, supervision, training, and/or maintenance, Plaintiff was injured and damaged as set forth in paragraph 8 above.

WHEREFORE, Plaintiff demands costs and compensatory and punitive damages in an amount to be determined by a jury and any other award deemed appropriate by the Court.

/s/ Les Pittman  
Les Pittman(PIT024)  
Attorney for Plaintiff

OF COUNSEL  
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**JURY DEMAND**

**PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY ON ALL ISSUES.**

/s/ Les Pittman  
Of Counsel